



The Legal Aid Forum

Working Together For Equitable Access to Justice

Assessment of the status of Freedom of Expression and Access to Information in Rwanda

2013 – 2021

SUMMARY REPORT

With the support of



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I. Introduction

This assessment aimed at assessing the current status of Freedom of Expression and Access to information in Rwanda following reforms by the Government of Rwanda in the media and information sector and efforts by different stakeholders and actors to promote freedom of expression and access to information.

The Legal Aid Forum (LAF) in partnership with Rwanda Media Commission (RMC), with the financial support from the European Union Delegation to Rwanda, is implementing a project on freedom of expression with a specific focus on promoting a favorable legal and regulatory framework for freedom of expression and access to information. One of the activities of

the project is to assess the status of Freedom of Expression (FoE) and Access to Information (ATI) in Rwanda, from 2013 to 2021. The assessment aimed at:

- Analyzing the legal and institutional framework underpinning the media's freedom of expression and access to information,
- Analyzing the extent to which freedom of expression and related laws are respected and complied with in Rwanda,
- Assessing the progress and challenges related to freedom of expression and access to information in Rwanda,
- Exploring the contribution of FoE and ATI in Rwandan Society,

- Assessing the complaint handling mechanism related to freedom of expression and access to information,
- Assessing freedom of expression and access to Information in view of emerging trends in social media,
- Documenting lessons learned and good practices related to freedom of expression and access to information.

This assessment identified a number of strengths and opportunities as well as some weaknesses, challenges and threats related to the implementation of freedom of expression and access to information in Rwanda. The strengths comprise, among others, the existence of a legal framework, policies and

guidelines, the presence of some professional journalists, awareness by people with disabilities of their rights, and ease of access to some official documents, political goodwill, advanced and comprehensive use of ICT, some level of professional journalism practice, and a draft sign language dictionary for PWD.

The weaknesses, challenges and threats include conflicting laws, absence of explicit guidelines on how to deal with non-compliant custodians of information, freedom tailored to the country's social and cultural sensitivities, particularly those related to its recent history, ATI law not well known particularly among the ordinary citizens and local opinion leaders, unprofessional and poorly resourced journalists that often do not have complete information about the laws or a

good grasp of the legal framework governing their profession. In addition there is increased self-censorship among journalism for fear of consequences that may arise after publicly expressing opinions. There is occasional confiscation of journalists' official documents by public agencies, which amount to threats and intimidation.

II. How the assessment was conducted (Methodology)

The assessment focused on the indicators and principles of freedom of expression and access to information, including those of the UN's Sustainable Development Goals, the European Council indicators for media in a democracy and African Union principles while giving

due consideration to Rwanda's social cultural political, economic and historical context. The assessment also analyzed legal texts related to (FoE) and (ATI) at the international, regional, national level.

This assessment relied on qualitative methods, combining individual face-to-face interviews and Focus Group Discussions (FGD) with document analysis. The sampling was purposive to determine FGD participants, key informants and other respondents. These were selected from the following categories: journalists, media owners and managers, media institutions, leaders of regulatory bodies, experts in journalism, human rights and justice, civil society organizations, leaders of private and public institutions, and opinion leaders.

III. Summary of key findings

1. Rwanda has a good legal framework for FoE and ATI that has been informed by international treaties and protocols ratified by Rwanda. However, some laws have been found to conflict, which constrains freedom of expression. The case in point is article 10 of the media law of 2013, which prohibits seizure of journalists' materials while article 10 of the law governing Rwanda Investigation Bureau empowers RIB to seize anything for their investigation without specific consideration for the media as per the provisions of the media law,
2. ATI law lacks clarity on sanctions for non-compliance by duty bearers for their refusal to share public interest information,
3. Some administrative practices limit smooth implementation of FoE and ATI laws. For example, approval for court reporting by journalists takes 48 hours regardless of the urgency of the matter in court, clearly limiting access to public interest information,
4. The penal code promulgated in 2018 has some provisions that impede free speech that needs to be repealed,
5. Freedom of expression has been a preserve of the elites in Rwanda. Their voice is sacrosanct while the ordinary citizens do not express themselves freely or share information freely with journalists for fear of intimidation and denial of basic services, particularly at local government levels. In some instances, there is increased self-censorship because people do not want to create a bad relationship (kwanga kwiteranyanya),
6. On complaints handling mechanism for freedom of expression and access to information issues, the findings revealed a shared responsibility involving institutions such as RMC, RURA, RGB, ARJ and the Office of the Ombudsman. However, the absence of evidence of serious enforcement of sanctions for non-compliance with the ATI law suggests that the mechanism is both weak and ineffective,
7. Self-censorship resulting from Rwanda's historical back-

ground defined mainly by the genocide against the Tutsi in 1994 and other divisionism was identified as one of those limitations to full utilization of opportunities provided by the FoE and ATI laws and policies,

8. This assessment shows that social media have had a positive effect on FoE and ATI to the extent that they facilitate timely sharing of information and to a broad audience. But social media also have a negative effect as seen in the spreading of fake news, rumors and hate speech, mis/disinformation which can often mislead citizens particularly those with a low level of understanding of information industry,
9. The assessment also identified the negative effect of the

Covid-19 pandemic on FoE and ATI, mainly during periods of lockdowns. However, some positive features were also noted, such as increased use of social media to search for and share Covid-19 related information, and increased freedom of expression with a variety of opinions on the pandemic. Media viewership also rose significantly while close collaboration with GOR organs, mainly RNP and local leaders, to facilitate information sharing was noticeably high,

10. Information and Communication Technology and social media have expanded public sphere, which has led to multiplicity of media outlets and diversity of content, and encouraged freedom of expression and sharing of information

instantaneously. However, the problem of mis/disinformation fake news and hate speech propagated online was noted by a majority of the respondents.

IV. Summary of recommendations

1. Review access to information law to clarify the penalties or sanctions for non-compliance. This will also include reviewing and or repealing any other laws that hinder or undermine freedom of expression and access to information,
2. RMC and other stakeholders may consider establishing detailed guidelines or etiquettes for exercising the right to FoE while considering and inhibiting the potential abuse of the right

- of FoE given the exceptions provided by the constitution and the country's socio-cultural norms,
3. Support the media with financial incentives such as tax exemptions or reduction, and capacity building to enhance professionalism,
 4. Promote Media/digital information literacy to promote responsible use of media contents among citizens, raise their awareness on information access and their rights and responsibility,
 5. Mainstream media information literacy training programmes into curricula of all levels of learning from primary schools to universities,
 6. Use a variety of channels to promote inclusiveness of PWD, mainly for those who cannot access classic channels,
 7. Reinforce and build on current gains to support the implementation of FoE and access to information,
 8. Harmonize and domicile all issues of media and journalists under one authority or institution instead of distributing that task to different institutions,
 9. Review and restructure Rwanda Media Commission (RMC) to make it a robust self-regulatory body.
 10. Reinforce institutional capacity of media associations and train journalists to monitor for themselves the implementation of freedom of expression and access to information,
 11. Establish mechanisms to promote welfare, rights and privileges of journalists and to enhance their safety and security as they access the information and use it in their journalistic work,
 12. Decriminalize all offences related to media, freedom of expression and access to information,
 13. Government bodies and departments concerned with ATI must be proactive by providing accurate information to mitigate the threat posed by misinformation in the media about Covid-19 pandemic,
 14. The Government of Rwanda should collaborate with the international community and owners of global techs to explore ways of regulating digital

platforms to curb hate speech often spread through misinformation and disinformation,

15. The concept of confidential/classified information should be further clarified to ease access to information,
16. The legislature should establish a court in charge of freedom of expression and access to information offences.
17. Train duty bearers on how to communicate effectively with citizens to ensure effective implementation of the constitutional right to information but also to give a sense to public officials that communicating effectively is a government priority. This should include proactive disclosure of information.



